

¹ This case was previously before the Board. In an order dated March 22, 2011, the Board set aside a December 2, 2009 schedule award decision and remanded the case to OWCP for further development. Docket No. 10-1138 (issued March 22, 2011).

appellant returned to light duty on January 24, 2008. She filed a claim for recurrence disability. Appellant submitted medical evidence in support of her allegation that she was unable to work due to her diagnosed cervical disc herniations that were causally related to her accepted injury. Her recurrence claim was denied by decisions dated November 24, 2010 and June 28, 2011. By decision dated December 20, 2011, OWCP denied appellant's request for reconsideration.

By decision dated April 30, 2009, appellant received a schedule award for 26 percent impairment of her right upper extremity.² On March 22, 2011 the Board set aside the schedule award decision and remanded the case for further development. In a July 18, 2011 decision, OWCP denied appellant's request for an increased schedule award. In a January 10, 2012 decision, an OWCP hearing representative affirmed the July 18, 2011 decision. In explaining his ruling, the representative discussed medical evidence relating to appellant's claim for benefits in File No. xxxxxx072, which supported a causal relationship between appellant's cervical condition and her right upper extremity impairment due to the accepted injury in the instant case.

The Board finds that it is essential to review the medical evidence contained in File No. xxxxxx072 in order to render a full and fair adjudication of the present appeal. As the relationship between appellant's cervical condition and her upper extremity condition is at issue in both cases, the medical evidence contained in File No. xxxxxx072 will necessarily bear directly on appellant's claims for compensation and schedule award in this case. Accordingly, this case will be remanded for OWCP to consolidate case file numbers xxxxxx072 and xxxxxx758. Reconstruction of the record will be followed by a *de novo* decision on the merits of the claim, in order to protect appellant's appeal rights.

² The April 30, 2009 decision was affirmed by the Branch of Hearings and Review by decision dated December 2, 2009.

IT IS HEREBY ORDERED THAT the Office of Workers' Compensation Programs' January 10, 2012 and December 20, 2011 decisions be set aside and the case remanded for further development consistent with this order.

Issued: November 26, 2012
Washington, DC

Richard J. Daschbach, Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge
Employees' Compensation Appeals Board